

REMARKS/ARGUMENTS

Claims 1, 2, and 4-21 are pending in this case. Claims 1-21 have been rejected. Claims 4-8 and 12-21 have been cancelled by this amendment. Claim 3 had been previously canceled. No new matter has been added.

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) for not showing covering material. Corrected drawing sheets have been included with this amendment.

The Examiner rejected claims 1, 2, and 4-20 under 35 U.S.C. §102(b) as being anticipated by Brophy. The Applicant respectfully disagrees. However, for the purpose of expediting prosecution, Applicants have cancelled without prejudice claims 4-8 and 12-21. In addition, Applicant has amended the subject matter of dependent claim 21 to independent claim 1. Claims 2 and 9-11 depend from claim 1 and thereby incorporate the subject matter amended to claim 1. Accordingly, Applicant respectfully requests that the rejection of the remaining claims under 35 U.S.C. § 102(b) to Brophy be withdrawn.

The Examiner rejected claims 1, 2, 4-10, 12-14, 17, 19-21 under 35 U.S.C. § 102(b) as being anticipated by Maresca. As noted above, claims 4-8 and 12-21 have been canceled, rendering the rejection moot for claims 4-8, 12-14, 17, and 19-21, which leaves claims 1-2 and 9-10.

As noted above, Claim 1 has been amended to include the limitations of claim 21. In addition, claims 1, 9, and 10 have been amended to clarify that the armrests of the present invention are pivotally mounted to the seat frame. Unlike Maresca, the stops of the present invention are positioned on the seat frame and interrupt the pivotal movement of the arm rest so as to support said at least one armrest when resting in the first position and to prevent movement of said at least one armrest beyond a first position. Maresca does not disclose a stop positioned on the seat frame, nor does Maresca disclose arm rests that are pivotally mounted. Instead, Maresca discloses a vertically mounted arm rest requiring the additional structural complication of a stop plunger with dogs for engaging the arm rest post. The context of the Maresca invention

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is a backpack and chaise. The nature of the Maresca arm rest mount requires human factor and engineering compromises in the interest of portability. Maresca does not teach a stop positioned on the seat frame, nor a full size arm rest pivotally mounted to the seat frame, which may be rotated clear without the additional step of operating a stop plunger.

All claims now in the application, namely claims 1, 2, and 9-11 are deemed patentably distinguishable over the art applied and noted, but not relied upon. Accordingly, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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APPENDIX

CORRECTED DRAWINGS

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